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Patent #13
Attorney Docket: 239/227
Revision
Paper
S. Buyer
8/15/02

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Farhad Khosravi, et al.

Serial No.: 09/427,260

Filed: October 25, 1999

For: Stretchable Anti-Buckling Coiled-Sheet
Stent

)
) Group Art Unit: 3738

)
) Examiner: B. Pellegrino

TRANSMITTAL LETTER

BOX FEE

Commissioner for Patents
Washington, D.C. 20231

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AUG - 7 2002

TECHNOLOGY CENTER R3700

Sir:

Enclosed please find the following documents for this application:

1. Petition Under 37 CFR § 1.48(a)
2. Consent of Assignee for Correction of Inventorship, and
3. Declaration

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

July 18, 2002

Date of Deposit

Sally Hartwell

Name of Person Mailing Paper

Signature of Person Mailing Paper

Also enclosed please find a check in the amount of \$130.00 to cover the Petition under 37 CFR § 1.48(a) fee. If this fee is deficient, the Examiner is hereby authorized to charge any fee required by the filing of these papers to Lyon & Lyon's Deposit Account No. **12-2475**.

Respectfully submitted,

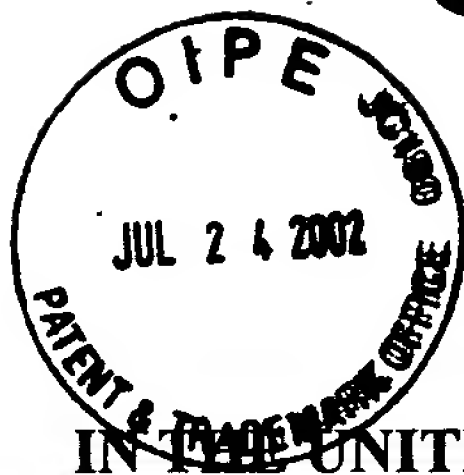
LYON & LYON LLP

Dated: July 18, 2002

By: 

William A. English
Reg. No. 42,515

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(949) 567-2300



COPY OF PAPERS
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239/227
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Farhad Khosravi and Himanshu N. Patel

Serial No: 09/427,260

Filed: October 25, 1999

Title: STRETCHABLE ANTI-BUCKLING
COILED-SHEET STENT

) Group Art Unit: 3738

) Examiner: B. Pellegrino

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TECHNOLOGY CENTER R3700

CONSENT OF ASSIGNEE FOR
CORRECTION OF INVENTORSHIP

Box AF
Commissioner for Patents
Washington, D.C. 20231

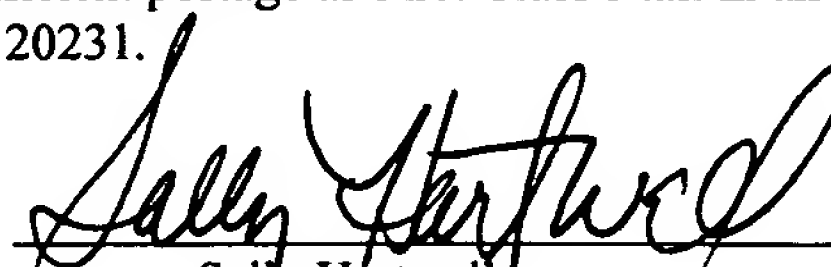
Dear Sir:

I, the undersigned, hereby state that Yi Yang is a co-inventor, along with Farhad Khosravi and Himanshu N. Patel, of the subject matter claimed in the above-identified patent application, and hereby consent to the petition to correct inventorship by adding Yi Yang as inventor.

OC-106951.1 OF MAILING
(37 C.F.R. §1.8a)

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Date of Deposit


Sally Hartwell

I declare that, as President and CEO of the assignee of the above-identified patent application, Endotex Interventional Systems, Inc., I am authorized to provide this consent on behalf of the assignee.

ASSIGNEE

ENDOTEX INTERVENTIONAL SYSTEMS, INC.

By: 

Name: John Maroney
President

Date: 6 JUNE 2002

LYON & LYON LLPA LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS1900 Main Street, Sixth Floor
Irvine, California 92614
Phone: (949) 567-2300
Fax: (949) 567-6600**FACSIMILE TRANSMITTAL FORM**

| | | |
|---|--|--|
| To: Examiner Brian E. Pellegrino, U.S. Patent and Trademark Office | Fax Number: 703/308-2708 | Phone Number: 703/306-5899 |
| From: William A. English | Fax Number: 949/567-6600 | Phone Number: 949/567-2300 |
| Re: Notice of Improper Request for Continued Examination (RCE) | Date/Time sent: 7/24/02 11:20 AM | No. of Pages: 25 (incl. cover) |
| Client Name: Endotex Interventional Systems, Inc. | Client Matter No.: 239/227 | |

If you do not receive all of the pages, please call Sally Hartwell at (949) 567-2300 extension 1111.

JUL 25 2002

Notes/Comments:

GROUP 3700

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TIME TRANSMITTED: _____ TRANSMITTED BY: _____

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Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Inventor(s): Farhad Khosravi, et al. Filed: October 25 1999
Serial No.: 09/427,260
For: STRETCHABLE ANTI-BUCKLING COILED SHEET STENT
AMENDMENT AFTER FINAL

Atty: William A. English/sjh
Docket No.: 239/227
Date of Deposit: April 1, 2002

Enclosure(s): Amendment Transmittal (2 pgs);
Amendment (12 pgs);
postcard, certificate of mailing
Check No. 3825 Amount \$55.00

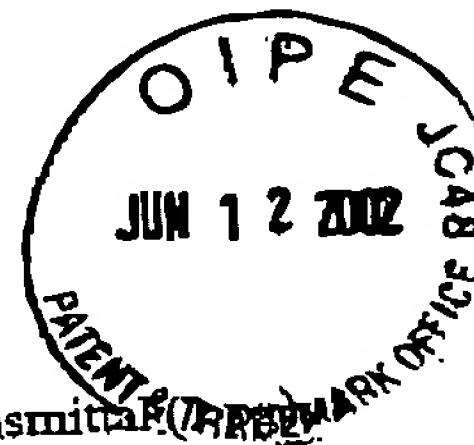


Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Inventor(s): Farhad Khosravi, et al.
Serial No.: 09/427,260 Filed: October 25 1999
For: STRETCHABLE ANTI-BUCKLING COILED SHEET STENT

RCE

Atty: William A. English/sjh
Docket No.: 239/227
Date of Deposit: June 3, 2002



Enclosure(s): Request for Continued Examination Transmittal (RCE)
postcard, certificate of mailing;
Check No. 2941 Amount \$830.00



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Washington, D.C. 20531
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/427,260 | 10/25/1999 | FARHAD KHOSRAVI | 239/227 | 2937 |

7590

06/27/2002

ATTENTION WILLIAM A ENGLISH
LYON & LYON LLP
633 WEST FIFTH STREET 47TH FLOOR
LOS ANGELES, CA 90071

EXAMINER

PELLEGRINO, BRIAN E

ART UNIT

PAPER NUMBER

3738

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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JUL - 8 2002

U.S. PROSECUTION

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 10/25/99 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application in which the Office has not mailed at least one of an Office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the Office action or notice of allowance continues to run from the mailing date of that action or notice.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Hilarie Byers Examining Group 3738

(703) 308 - 1275